

Notice of Allowability

Application No.

10/013,107

Examiner

James M Hewitt

Applicant(s)

WAGNER ET AL.

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 2/24/04.
2. ☒ The allowed claim(s) is/are 1-5, 21-23, 6-9, 29-30, 10-15, 31, 16-20, 27, 24-26, 28 and 32-36 renumbered as 1-36 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

K M L
5/24/04

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Schmaltz on 5/24/04.

The application has been amended as follows:

In claim 1 line 4, --threaded-- has been inserted before "fastener".

In claim 7 line 1, "6" has been replaced with --9--.

In claim 10 line 4, --threaded-- has been inserted before "fastener".

In claim 11 line 1, "10" has been replaced with --15--.

In claim 12 line 1, "10" has been replaced with --15--.

In claim 13 line 1, "12" has been replaced with --17--.

In claim 14 line 1, "10" has been replaced with --15--.

In claim 15 line 1, "10" has been replaced with --15--.

In claim 17 line 1, "16" has been replaced with --22--.

In claim 18 line 1, "17" has been replaced with --23--.

In claim 19 line 1, "18" has been replaced with --24--.

In claim 20 line 1, "19" has been replaced with --25--.

In claim 22 line 1, "21" has been replaced with --6--.

Art Unit: 3679

In claim 24 line 1, "16" has been replaced with --22--.

In claim 25 line 1, "24" has been replaced with --28--.

In claim 26 line 1, "24" has been replaced with --28--.

In claim 27 line 1, "16" has been replaced with --22--.

In claim 28 line 1, "24" has been replaced with --28--.

In claim 31 line 1, "10" has been replaced with --15--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, singly or in combination, a pipe clamp as claimed in detail in independent claims 1, 10, 16 and 32.

The closest prior art includes: Morris (US 2,227,551), Goodall (US 2,512,741), Smith (US 2,690,193), Wagner et al (US 4,558,891) and Arbogast (US 2,495,622).

Morris fails to teach or fairly suggest a threaded fastener (or a bolt) that extends across the gap for tightening or loosening the clamp by narrowing or widening the gap between the first and second opposing ends of the strap.

Goodall and Smith fail to teach or fairly suggest a strap that is adapted to surround a pipe, wherein the strap includes first and second opposing ends separated by a gap. Each instead employs two semi-circular clamping halves. And there is no suggestion or motivation in either reference to employ a strap, wherein the strap includes first and second opposing ends separated by a gap, and a threaded fastener

Art Unit: 3679

(or a bolt) extends across the gap for tightening or loosening the clamp by narrowing or widening the gap.

Wagner et al fails to teach or fairly suggest: that the opposing ends of the strap include at least one projection and at least one recess for receiving the projection when the clamp is tightened; or that first and second portions of the first and second ends of the strap are configured to extend circumferentially past one another when the clamp is tightened while remaining within a cylindrical boundary defined by a wall thickness of the strap; or that the first and second ends of the strap are configured to intermesh when the clamp is tightened. And, there is no teaching or suggestion in any of the other references of record, and particularly in those cited above, that would make it obvious to modify Wagner et al to disclose such limitations.

Arbogast fails to teach or fairly suggest a fastener that extends across the gap for tightening or loosening the gap by narrowing or widening the gap between the ends of the strap. The connection between the ends of his strap is a permanent one, and thus loosening the fastener does not widen the gap between the strap ends.

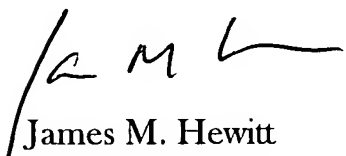
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James M. Hewitt
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